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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Joint written statement submitted by the Union of Arab Jurists and Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II), the Indian Council of South America and Movement against Racism and for Friendship among Peoples, non-governmental organizations on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[26 January 1996]

1. After breaking diplomatic relations with Havana on 3 January 1961, the Government of the United States of America decreed on economic, commercial and financial blockage against the Republic of Cuba. In open defiance of the spirit and letter of the Charter of the United Nations and other instruments governing the peaceful co-existence and mutual cooperation of peoples and nations, the Administrations of nine successive Presidents of the United States of America have endeavoured, through economic coercion and political pressure, to destroy the Cuban Socialist experiment and to crush the will of this Caribbean nation to defend its right of self-determination and its sovereignty.

2. In 35 years of harassment and marginalization of Cuba, the "embargo" has become a burning international political problem which directly or indirectly concerns us all. It challenges the collective world conscience and calls for the immediate cessation of the long blockade against a Member of the United Nations.

3. On the threshold of the twenty-first century, and after the break-up of hostile blocks, the end of the cold war and the political changes taking place in the world, the international community should no longer permit an economic and military power to exert pressure on the Government of a small country with the aim of defeating the will of 11 million Cubans through creating hunger and disease. An "embargo" applied elsewhere has in the long run turned out to be a primitive and anachronistic weapon for the simple reason that it affects an entire people, especially children, women and the aged.

4. The use and abuse of extraterritorial economic measures intending to exercise political coercion against a State violates de facto and de jure the principle of non-interference in the internal affairs of other States and infringes upon one of the fundamental principles of international law, namely the inalienable right of peoples and nations to self-determination, regardless of their size.

5. It is paradoxical to find that more than 500 years after the colonization of America, the clash of two civilizations and the submission of aboriginal peoples to a regime of slavery without precedent in colonial history, successive Governments of the United States of America, which exterminated more Indians than buffaloes and condemned the survivors to suffer on reservations, should persist in imposing on small and weak peoples its policy of domination, its mode of production and consumption, its market economy, its neo-liberal model based on "might is right" and, finally, its concept of democracy as absolute and universal values in the modern world.

6. In clear violation of General Assembly resolutions 47/19, 48/16 and 49/9 - which emphasize the need to put an end to the blockade - the Government of the United States of America has not only maintained the complex machinery of regulations in the matter, but it also continues to promulgate extraterritorial legislation with the manifest purpose of strengthening the economic siege of Cuba.

7. In exercising its high mission of safeguarding international peace and security, it is not the first time that the United Nations has given particular attention to one of the most controversial disputes of our time. Indeed, the most advanced segments of world public opinion have welcomed the events that have lately taken place at the United Nations, raising great hopes for a just and equitable solution of the Cuban cause.

8. For the fourth consecutive year - this time by an overwhelming 117 votes in favour, 3 against and 38 abstentions - the United Nations General Assembly approved on 2 November 1995 resolution 50/10 which calls on all States to refrain from promulgating and applying laws and measures for the strengthening and broadening of the economic, commercial and financial blockade of the Republic of Cuba. It requests its Members to take the necessary measures, as soon as possible and in accordance with their legal systems, to abrogate them

or cancel their extraterritorial effects. By this growing vote in favour of the resolution, the international community showed its rejection of the blockade policy and unequivocally condemned the new legislative manoeuvres as a stranglehold aimed at punishing an entire people. This is doubtless an important milestone in the history of the United Nations.

9. The support given to Cuba by the Latin American countries, by the Non-Aligned Movement and by the Group of 77 is of special relevance to the extent that it expresses the goodwill and solidarity of third world countries with the Cuban people in its struggle to resist the blockade. At the same time, the fifth Ibero-American Summit, held at Bariloche, Argentina on 16 and 17 October 1995, in its Final Declaration, rejects the "unilateral coercive measures which affect the well-being of Ibero-American peoples and takes note with particular concern of the normative modification under discussion in the Congress of the United States ...".

10. It is ironic that in the deliberate attempt to isolate that Caribbean country, the United States of America only succeeded in isolating itself from the rest of the world. Thus, at a time when Cuba was gaining an important political and diplomatic victory at the United Nations the United States Administration on 20 August 1994 was decreeing new measures to reinforce the blockade against Cuba, such as increasing radio broadcasts, forbidding Cuban citizens residing in the United States to send cash remittances to Cuba, restricting the shipment of food and medicines, and cancelling travel between the two countries.

11. At a time when industrialized countries are opening their doors to the free circulation of capital, businesses and individuals, the Government of the United States is denying its own citizens the freedom to travel to Cuba, under penalties of up to $25,000 fines and 10 years' imprisonment. For example, United States citizen Dan Snow was condemned in 1990 to five years' imprisonment, a fine of $5,300 and 1,000 hours of street cleaning for having committed the "crime" of travelling to Cuba (see Granma, 28 June 1995).

12. On the other hand, "the US Administration tolerates, permits and encourages radio broadcasts from its territory for thousands of hours, exhorting to subversion, disorder, sabotage, terrorism and illegal emigration" which precipitated the exodus of boat people (See Granma, 24 August 1994). In application of this double morality, entrance to United States ports was prohibited for 180 days to boats carrying merchandise or passengers from or to Cuba - a measure which violates the principles of freedom of international commerce and navigation, and impedes the elimination of discriminatory treatment in commercial relations pursued by the World Trade Organization.

13. It is alarming to find that in spite of the series of resolutions adopted by the United Nations reflecting the political will of the international community, the blockade has been drastically reinforced, against winds and high water, by the application of the Torricelli Amendment which was passed by the United States Congress in 1992.

14. The Torricelli law is by nature and purpose an instrument of political and economic coercion intending to impose changes in the internal and external policies of Cuba. Consequently, this two-edged sword symbolizes the return to

the cold war, to the colonial era and the intolerable interferences in the internal affairs of other countries. "The blockade means that not even one aspirin can be sold to Cuba to relieve a headache" explained President Fidel Castro (see Granma, 7 December 1994).

15. The Torricelli Amendment, which imposes the law of "might is right", unilaterally and totally forbids branches or subsidiaries of United States firms established in third world countries to maintain commercial relations with Cuba. Covered by this illegal instrument, the North American Government exerts such pressure on foreign firms making products with components of United States origin, as well as on financial institutions and transportation companies, that under penalty of reprisals they renounce selling their products to the island. By this logic it is intended to stifle the Cuban economy and to bring its people to their knees.

16. In application of the above-mentioned coercive measures, the United States State Department is circulating a document through its Permanent Missions abroad, warning about the negative aspects of investment and trade with Cuba. In addition, United States undertakings and firms established in third world countries, bank entities and individuals under the jurisdiction of the United States are forbidden, under penalty of sanctions, to contact Cuba, much less invest there.

17. Washington's allegations are based on the supposition that Cuba is offering foreign investors goods expropriated from North American legal entities and persons.

18. It is difficult to describe in this document the magnitude of the grave repercussions of the blockade on human rights of the Cuban people, who are defending with their lives their freedom and right to determine freely their own destiny. To illustrate, we simply mention two important sectors - the sugar industry and the mining and sale of nickel, fundamental pillars of the Cuban economy - that have been drastically affected by the economic and commercial aggression. "Between 1980 and 1983, the Government of the United States imposed on major firms dealing in Cuban nickel, such as those in Italy, France, Japan and Holland, agreements by which their governments committed themselves to certify that none of their exports to North America would contain an iota of Cuban nickel" (see Granma, 7 September 1994).

19. According to official estimates, the economic and financial losses caused by the reinforcement of the blockade amount to $40,000 million. "For a country of ten million inhabitants, the loss of $40,000 million creates a delicate situation ... being an amount exceeding twenty times Cuba's foreign exchange income for 1992-1993" (see Granma, 23 November 1994). According to another official estimate, "the total harmful effects on the Cuban economy, as regards loss of income and additional disbursements due to the blockade, amounted in 1994 to $1,000 million, which represents about 50 per cent of the country's total imports" (see Granma, 30 August 1995).

20. In defiance of successive resolutions adopted by the highest organ of the United Nations, as well as of legal instruments and universally recognized norms, the North American authorities resorted to new intimidating legislative manoeuvres susceptible of worsening the policy of harassment of the Cuban

people. This time, on 9 February 1995, Senator Jesse Helms and Representative Dan Burton submitted to Congress a draft law ironically entitled, "Law for Cuban Freedom and Democratic Solidarity". Evidently, its proponents have changed their position to such an extent as to shock international public opinion with their narrow concept of democracy and the arrogance with which they try to destroy the Cuban people's will to resist.

21. Behind this obscure project, whose authors were inspired by the Monroe Doctrine of 1823, according to which Latin America is predestined to survive under the influence of the United States of America, are hidden selfish interests and foreign property rights to transnational corporations of the United States of America - super-states within national States. In order to preserve the large economic and strategic interests of a policy of domination, war was declared against Iraq, the cradle of western civilization, and a most cruel embargo was decreed against its people, victim of its own wealth, condemning children, women and the aged to a slow death through hunger and disease.

22. In Cuba's case, the draft law referred to above aims not only to enact judicial proceedings against the nationalization of property belonging to North American entities, it also seeks compensatory rights for Cuban nationals who abandoned their property and took refuge in the United States and who, at the time of confiscation, were not North American citizens.

23. The Cuban Government asserts that "nationalization was carried out in perfect legality, in conformity with international law, with the Constitution of 1940 and the Basic Law of 1959" (see Granma, 31 May 1995). In this regard, the Cuban Government presented to the forty-eighth session of the United Nations General Assembly document A/48/258, clearly stating that nationalization cannot justify reprisals against Cuba, and that there are no precedents nor any basis in international law which would support claims against nationalized property.

24. At the time of confiscating national and foreign property in the public interest, the Cuban Government expressed its readiness to carry out its compensatory obligations, In response to this willingness to seek a solution to the matter of compensation, the United States imposed the blockade, thus rejecting all possibility of negotiation.

25. Today, no one can ignore the basic objective of the Helms-Burton project which is the internationalization of the policy of sanctions through such coercive measures as:

(a) Preventing any external financing of Cuba and its accession to international financial institutions;

(b) Taxing all economic transactions with Cuba and putting pressure on the counterparts concerned;

(c) Hindering the flow of investments to Cuba by sanctioning undertakings and firms for "trafficking" in nationalized United States property;

(d) Putting maximum pressure on third world countries to eliminate the slightest economic link with Cuba;

(e) Establishing prescriptions, concepts and definitions for what a "democratic government" should be in Cuba, obviating thereby the right to self-determination of the Cuban people (see Granma International, 30 August 1995).

26. The blockade imposed by the world's main hegemonizing power against a small island is an irrational policy and an inhuman act which violates the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights. Thirty-five years have passed since the promulgation of the embargo, whose dire consequences render ever more acute the already existing difficulties, deprive the country of sources of financing its economic development and jeopardize the survival of the Cuban people.

27. The Government of the United States of America, preoccupied by questions of human rights in Cuba, has been depriving the Cuban people of the freedom to buy on the United States market essential products, such as energy, raw materials, spare parts for industry and transport, medicines, food, first aid articles, and other basic supplies needed for the production of consumer goods and services.

28. In a world where economic neo-liberalism is king and where markets are opening their doors, depriving people, especially the most vulnerable, of the means of subsistence should be considered a crime of non-assistance to persons in danger, in conformity with humanitarian law.

29. The policy of internationalizing economic sanctions has affected most severely the health sector. For 35 years, Cuba has been totally prevented from buying on the United States market, from simple medicines to indispensable chemical re-agents for clinical laboratories and medical equipment for hospitals.

30. According to official sources, in the last few years there has been a progressive deterioration in the consumption of important daily dietary elements, such as proteins, fat, vitamins, calcium, iron (see Granma, 30 August 1995). To the lack of food products must be added a shortage of sanitary facilities and the degradation of sanitary conditions, creating a situation favourable to the propagation of diseases.

31. In 1993, the Cuban population was hit by an epidemic of neuropathy. When the firm Medicuba hastened to buy medicines to combat the epidemic, it was confronted by market restrictions. Due to the prohibition imposed by the Torricelli Amendment, the major pharmaceutical companies which had maintained commercial relations with Cuba refused to honour their contractual commitments for the delivery of medicines. "From 1990, Cuba had to spend more than $45 million additionally to cover its health needs" (see Granma, 23 November 1994).

32. Judging from international public opinion, the strategy of the Toricelli Amendment and the Helms Law is not only to reinforce the siege of Cuba to

obtain compensation for nationalized property, but to eradicate at any price the political and economic system prevailing in Cuba. Why? Cuba does not represent a threat to the security of the United States. It would be absurd to imagine the Cuban Government declaring an embargo against its great neighbour to the North.

33. It is in Cuba where the battle against neo-colonial aggression perpetrated by a conquering power against a small third world country is taking place. Surely no one will be allowed to economically stifle, politically condemn, or militarily decimate a people which defends its right to choose its own destiny.

34. The blockade, being an anachronistic, unjust and illegal instrument, has created its own contradiction: a vast movement of solidarity with the Cuban people at the international level. The First International Meeting of Solidarity with Blockaded Cuba, held at Havana from 21 to 25 November 1994, was an example of this great mobilization of the collective conscience. Faithful to the behests of solidarity with oppressed, colonized and aggressed peoples, wherever in the world they may be and no matter what distance separates them, the participants from all parts of the world vigorously condemned the blockade, demanding the immediate abolition of instruments which violate the sovereignty of States and offend human dignity.

35. Whatever may be the allegations of the United States Government, an economic, commercial and financial blockade anywhere and at any time is an illegal, anti-democratic and anti-social instrument which has no justification in our changing world.

36. In consideration of all the above, the non-governmental organizations parties to this document, endorse document E/CN.4/1993/NGO/24 on the promotion of the right of self-determination of peoples, and urge the Commission on Human Rights to consider at its fifty-second session the negative effects of the blockade on the human rights of the Cuban people, and to exhort the Government of the United States of America to put an end to the coercive measures against the Republic of Cuba and to refrain from all pressures on the countries maintaining relations of mutual interest with the Cuban people.

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